IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.190 OF 2007
IN
CRIMINAL APPEAL NO.819 OF 2005

Shri.Jitesh Ramesh Rathod .. Applicant
V/s
The State .. Respondent

Mr.Milind Desai for the Applicant.
Mr.P.S.Hingorani, APP for Respondent.

CORAM : DR.S.RADHAKRISHNAN, &
SMT.R.S.DALVI, JJ.

DATE : 12th July, 2007.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned APP for the Respondent - State. This application is filed by the original Accused No.5. We have perused the trial Court's judgment and order and the evidence. The evidence of P.W.Nos.1 & 3 categorically show that the P.W.Nos.1 & 3 had seen the Applicant holding a chopper in his hand and that he used the said chopper to injure P.W.No.1 as well as the deceased Soni. Even the P.W.No.3 has categorically stated in his evidence that the Applicant was carrying a chopper and had inflicted blow on Soni as well as P.W.No.1. Even both the witnesses viz.P.W.Nos.1 & 3 have clearly identified the Applicant-Accused. In view thereof, this is not a case of conviction based on no legal evidence. We are not inclined to grant bail. Hence, the bail Application stands rejected. However, hearing of the Appeal is expedited.

(SMT.R.S.DALVI, J.) **(DR.S.RADHAKRISHNAN,J.)**